

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

INDICTMENT

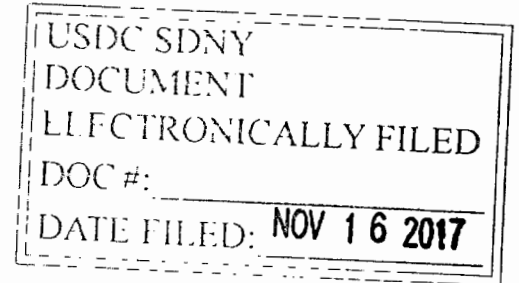
- v. -

17: CRIM 713

IVAN CORTES MOLINERO,  
MIGUEL CHAVEZ DELGADO, and  
ENEDINO GATAN VARGAS,

Defendants.

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COUNT ONE

The Grand Jury charges:

1. In or about July 2017, in Colombia, Mexico, the high seas, and elsewhere, and in an offense begun and committed upon the high seas outside of the jurisdiction of any particular State or district of the United States, IVAN CORTES MOLINERO, MIGUEL CHAVEZ DELGADO, and ENEDINO GATAN VARGAS, the defendants, who were first brought to and entered the United States in the Southern District of New York, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the maritime drug enforcement laws of the United States.

2. It was a part and an object of the conspiracy that IVAN CORTES MOLINERO, MIGUEL CHAVEZ DELGADO, and ENEDINO GATAN VARGAS, the defendants, and others known and unknown,

INGE CASTEL

would and did possess with intent to distribute a controlled substance on board a vessel subject to the jurisdiction of the United States, in violation of Title 46, United States Code, Section 70503(a)(1).

3. The controlled substance that IVAN CORTES MOLINERO, MIGUEL CHAVEZ DELGADO, and ENEDINO GATAN VARGAS, the defendants, conspired to possess with intent to distribute, on board a vessel subject to the jurisdiction of the United States, was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 46, United States Code, Section 70506(a) and Title 21, United States Code, Section 960(b)(1)(B).

(Title 46, United States Code, Sections 70503, 70506(b) & 70504(b)(1); Title 21, United States Code, Section 960(b)(1)(B); Title 18, United States Code, Sections 3238 & 2.)

#### **COUNT TWO**

The Grand Jury further charges:

4. In or about July 2017, in Colombia, Mexico, the high seas, and elsewhere, and in an offense begun and committed upon the high seas outside of the jurisdiction of any particular State or district of the United States, IVAN CORTES MOLINERO, MIGUEL CHAVEZ DELGADO, and ENEDINO GATAN VARGAS, the defendants, who were first brought to and entered the United States in the Southern District of New York, possessed with intent to distribute, while aboard a vessel subject to the jurisdiction of

the United States, five kilograms and more of mixtures and substances containing a detectable amount of cocaine.

(Title 46, United States Code, Sections 70503(a)(1), 70504(b)(1), 70506(a); Title 21, United States Code, Section 960(b)(1)(B); and Title 18, United States Code, Sections 3238 & 2.)

FORFEITURE ALLEGATION

5. As a result of committing the controlled substance offenses charged in Counts One and Two of this Indictment, IVAN CORTES MOLINERO, MIGUEL CHAVEZ DELGADO, and ENEDINO GATAN VARGAS, the defendants, shall forfeit to the United States, pursuant to Title 46, United States Code, Section 70507(a), and Title 28, United States Code, Section 2461:

a. All controlled substances which have been manufactured, distributed, or acquired in connection with the offenses charged in Counts One and Two of this Indictment.

b. All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance or listed chemical in connection with the offenses charged in Counts One and Two of this Indictment.

c. All listed chemicals, all drug manufacturing equipment, all tableting machines, all encapsulating machines, and all gelatin capsules, which have

been imported, exported, manufactured, possessed, distributed, dispensed, acquired, or intended to be distributed, dispensed, acquired, imported, or exported, in connection with the offenses charged in Counts One and Two of this Indictment.

d. All property which is used, or intended for use, as a container for property described in paragraphs 5(a), 5(b), and 5(c) of this Indictment.

e. All conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraphs 5(a), 5(b), and 5(c) of this Indictment.

f. All books, records, and research, including formulas, microfilm, tapes, and data which are used, or intended for use, in connection with the offenses charged Counts One and Two of this Indictment.

g. All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in connection with the offenses charged in Counts One and Two of this Indictment, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate the offenses charged in Counts One and Two of this Indictment.

h. All real property, including any right, title, and interest (including any leasehold interest) in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offenses charged in Counts One and Two of this Indictment.

i. Any drug paraphernalia.

j. Any firearm used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph 5(a) and 5(b) of this Indictment, and any proceeds traceable to such property.

Substitute Assets Provision


5. If any of the above-described forfeitable property, as a result of any act or omission of IVAN CORTES MOLINERO, MIGUEL CHAVEZ DELGADO, and ENEDINO GATAN VARGAS, the defendants:

- a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third person;
  - c. has been placed beyond the jurisdiction of the Court;
  - d. has been substantially diminished in value;
- or

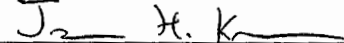
e. has been commingled with other property  
which cannot be subdivided without  
difficulty,

it is the intent of the United States, pursuant to Title 21,  
United States Code, Sections 853(p) and 970, to seek forfeiture  
of any other property of the defendants up to the value of the  
above forfeitable property.

(Title 46, United States Code, Section 70507(a);  
Title 21, United States Code, Sections 853; Title 28, United  
States Code, Section 2461)

  
FOREPERSON

November 16, 2017

  
JOON H. KIM  
Acting United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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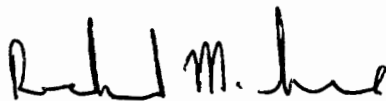
17 Cr.

(46 U.S.C. §§ 70503, 70504, 70506;  
21 U.S.C. § 960; and  
18 U.S.C. §§ 2 & 3238).

JOON H. KIM

Acting United States Attorney.

A TRUE BILL



Foreperson.

NOVEMBER 16, 2017

11/16/17

Filed Indictment

USMJ FOX

ME